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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,956	06/22/2001	Bohdan T. Iwanjko	42390P11651	7674

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EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/887,956	Applicant(s) IWANOJKO ET AL.	
	Examiner Chuck Kendall	Art Unit 2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the response to the communication received on April 09, 2004. Reconsideration of the instant application is requested by Applicant. All such supporting documentation has been placed of record in the file. Claims 1 – 30 have been cancelled and claims 43 – 58 have been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 31 – 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim et al. USPN 6,434,619 (hereinafter "Lim") in view of in view of Bigo et al. USPN 5,261,099 (hereinafter "Bigo").

Regarding claim 31, Lim discloses a device, comprising:

a port to receive a set of configuration parameter change requests within a transaction (Col.3:54-57). Lim doesn't explicitly disclose determining a corrected sequence for the transaction via validation of a change request within the transaction. However, Bigo does disclose this feature (Col.14:65 - Col.15:15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lim and Bigo because, being able to detect valid or correct sequences

during a request for configuration change would make the system more secure and maintainable.

Regarding claim 32, the device of claim 31, further comprising a management client module to bridge the change request from said port to said configuration manager (Lim, Fig.2, see CSM).

Regarding claim 33, Lim discloses all the claimed limitations as applied in claim 31 above. Lim doesn't explicitly disclose comprising a temporary configuration parameter change requests database coupled to said configuration manager to store data to determine the corrected sequence for the transaction. However, Bigo does disclose this limitation in a similar configuration (Col. 15:10-15, see check). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lim and Bigo because, being able to detect valid or correct request during configuration would make the system more secure and maintainable.

Regarding claim 34, Lim discloses all the claimed limitations as applied in claim 31 above. Lim doesn't explicitly disclose, wherein the module comprises circuitry coupled to said configuration manager to respond to a request for validation of the change request with a repeat call. However, Bigo does disclose this limitation in a similar configuration (Col.14:64-67, for repeatable see consecutive, also see Col. 9:52-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lim and Bigo because, repeating or making consecutive requests for changing the configuration would increase the likelihood that the request would be fulfilled and hence improve efficiency.

Regarding claim 35, the device of claim 31, wherein the module comprises circuitry of a microprocessor coupled to said configuration manager and having a configuration parameter subject to the transaction to function as a run-time variable (Lim, Col.16: 53-55).

Regarding claim 36, the device of claim 31, wherein said port comprises circuitry to receive the transaction coupled to circuitry to forward the transaction to said configuration manager (Lim, Fig.3)

Regarding claim 37, the device of claim 36, wherein the circuitry to receive the transaction comprises a network management protocol module (Lim, Col.3:20-25, see SNMP).

Regarding claim 38, the device of claim 31, wherein said configuration manager comprises circuitry coupled to the module to request validation of the change request by the module (Lim, Col. 5:15-20).

Regarding claim 39, Lim discloses all the claimed limitations as applied in claim 31. Lim doesn't explicitly disclose a port to receive a set of configuration parameter change requests within a transaction. However, Bigo does disclose this feature (Col.3: 54-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lim and Bigo because, being able to detect valid or correct sequences during a request for configuration change would make the system more secure and maintainable.

Regarding claim 40, Lim discloses all the claimed limitations as applied in claim 38 above. Lim doesn't explicitly disclose wherein the circuitry coupled to a module to determine a corrected sequence comprises circuitry coupled to the module to receive the response and coupled to a temporary configuration parameter change requests database to associate the response with the change request. However, Bigo does disclose this limitation in a similar configuration (Col. 15:10-15, see check). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lim and Bigo because, being able to detect valid or correct request during configuration would make the system more secure and maintainable.

Regarding claim 41, the device of claim 31, wherein said configuration manager comprises circuitry coupled to the module to execute the set of configuration parameter change requests based upon the corrected sequence for the transaction.

Regarding claim 42, Lim discloses all the claimed limitations as applied in claim 41 above. Lim doesn't explicitly disclose wherein the circuitry to execute the set of configuration parameter change requests comprises circuitry coupled to the module to change a run-time variable of the module according to the change request. However, Bigo does disclose this limitation in a similar configuration (Col. 15:10-15, see check).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lim and Bigo because, being able to detect valid or correct request during configuration would make the system more secure and maintainable.

Regarding claim 43, Lim discloses a system (Col.21: 45 to Col.23:8), machine readable (Fig.3, see Database) and apparatus (Fig 2), comprising:

receiving a multiple configuration parameter change requests within a configuration parameter change transaction (Col.3: 53-57 and 5: 15 -20);

executing the set of configuration parameter change requests within the transaction (Col.3:55-60, see processed). Lim doesn't explicitly disclose wherein determining whether the received configuration parameter change request within transaction are in an order capable of sequential execution. However, Bigo does disclose this limitation in a similar configuration (Col. 14:65-67, also see Col.15:40-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lim and Bigo because, being able to detect valid or correct request during configuration would make the system more secure and maintainable.

Regarding claim 44, the method version of claim 33, see rationale as previously discussed above.

Regarding claim 45, the method version of claim 34, see rationale as previously discussed above.

Regarding claim 46, the method version of claim 38, see rationale as previously discussed above.

Regarding claim 47, the method version of claim 40, see rationale as previously discussed above.

Regarding claim 48, the method version of claim 41, see rationale as previously discussed above.

Regarding claim 49, the article of manufacture version of claim 43, see rationale as previously discussed above.

Regarding claim 50, the article of manufacture of claim 49, Bigo further discloses wherein the content to provide instructions to cause the one or more devices to determine whether the received configuration parameter change requests are capable of sequential execution comprises the content to provide instructions to cause a configuration manager to request a servicing module to determine the order of the configuration parameter change requests (Bigo, 15: 45 – 16:5).

Regarding claim 51, which is the article of manufacture version of claim 31, see rationale as previously discussed above.

Regarding claim 53, which is the article of manufacture version of claim 40, see rationale as previously discussed above.

Regarding claim 54, which is the article of manufacture version of claim 41, see rationale as previously discussed above.

Regarding claim 55, which is the system version of claim 31, see rationale as previously discussed above.

Regarding claim 56, which is the system version of claim 33, see rationale as previously discussed above.

Regarding claim 58, which is the system version of claim 40, see rationale as previously discussed above.

Allowable Subject Matter

Claims 52 & 57 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art doesn't teach or show at least the limitation of:

“rerequesting the servicing module to determine the order of a configuration parameter change request that failed on a previous request due to a dependency on an out-of-order configuration parameter change request”.

Response to Arguments

Applicant's arguments filed 04/09/2004 have been fully considered but they are not persuasive.

Argument (1), Applicant argues for a lack of motivation or suggestion for combining Bigo and Lim and states that Bigo doesn't disclose “configuration parameter change requests”.

Response (1), Examiner disagrees. Both Lim and Bigo are analogous prior art and both deal with satisfying configuration change requests see, Bigo FIG. 8A and 8B, also see, Lim in Col. 3: 54 – 57, where he discloses “ The CSM agent receives customer information and configuration changes from the NMS as needed”.

Applicant's claims merely recites an environment with a configuration manager utilizing a database to perform this function. Both Lim and Bigo discuss receiving and transmitting of requests as indicated above. Applicant also argues that Bigo is silent regarding configuration parameter change requests. Examiner disagrees and believes that this is disclosed in Bigo, in Col. 8: 65 – 9: 5, “port configuration changing on the fly when receiving a training sequence containing a data rate change indication...”. As disclosed Examiner believes this limitation in Bigo, to be equivalent to the receiving a configuration parameter change request in Applicant's disclosure.

Applicant also argues that, Bigo fails to disclose or "suggest determining a corrected sequence of configuration parameter change request", Examiner again disagrees in Bigo Col. 11: 54 – 60, Bigo discloses "...the scanner looks at the Request buffer through the WS window (38) for a valid combination of bits. Any combination presenting non-consecutive bits ON is declared invalid...". As recited a determining the corrected sequence as claimed by Applicant would in this case not be flagged as invalid and therefore is identical to Bigo's limitation.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence Information

Art Unit: 2122

7. Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam *can be* reached at (703) 305-4552.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to 703-7467239 official and 703-7467240 draft.

Chuck O. Kendall



JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124